

2126

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FACSIMILE COVER SHEET

DATE: February 11, 2003

TO:

Director Allen MacDonald
U.S. Patent and Trademark Office

FACSIMILE NO:

1.703.305.3719

RE:

U.S. Patent Application No. 09/218,060
Filed: 12/21/1998
Inventor: O. Such

OUR REFERENCE:

MSFT-1-17210

FROM:

D.C. Peter Chu

(Facsimile No. 206.224.0779)**MESSAGE: Please see attached.**

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BOX AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: O. Such Attorney Docket No.: MSFT117210
Application No.: 09/218,060 Group Art Unit: 2126
Filed: December 21, 1998 Examiner: Charles E. Anya
Title: ASYNCHRONOUS PROGRAMMING ENVIRONMENT

PETITION UNDER 37 C.F.R. 1.181(a)(1) AND
SECTION 714.13 OF THE MPEP

February 11, 2003

TO THE COMMISSIONER FOR PATENTS:

ATTENTION: DIRECTOR ALLEN MACDONALD

On November 12, 2002, applicant submitted an Amendment and Response to the final Office Action dated September 13, 2002, in this patent application. To date, applicant has received no reply from the United States Patent and Trademark Office ("the Office"). Applicant hereby petitions to obtain an action from the Office.

Background of This Petition

In the September 13, 2002, Office Action in this patent application, the Office rejected Claims 1 and 3-19 under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of U.S. Patent No. 5,764,958, issued to Coskun (hereinafter "Coskun"), taken in view of the statements made in portions of this patent application (more particularly, statements made at pages 12-16), and more specifically, statements made at page 12, lines 21-25; page 13, lines 1-6; page 14, lines 24-25; and page 16, lines 13-17. In addition, Claim 2 was rejected under

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35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Coskun and statements made in portions of this application, taken in view of the teachings of U.S. Patent No. 5,867,708 issued to Copeland et al. (hereinafter "Copeland et al."). In an amendment and response to the final Office Action dated November 12, 2002, applicant amended Claim 9 to remove extraneous commas so as to clarify the subject matter of the claimed invention, and responded to the arguments of the Office. To date, the Office has given no reply notwithstanding the fact that the prosecution is approaching the fifth month of the statutory period.

Discussion of the Applicable Law

Section 714.13 of the MPEP provides "[a]ny amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. An Examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the Examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office."

Summary

Applicant submitted a response within two months from the date of the final Office Action. Yet, the Office has provided no additional action allowing applicant to apprise the progress of the prosecution. For the foregoing reasons, applicant respectfully requests that the Office issue an action indicating the status of the prosecution. Moreover, applicant respectfully requests that the Office reset the time period in which to reply.

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Since the above error in the prosecution cannot be attributable to applicant's attorney, no fee is enclosed. The Commissioner is hereby authorized to charge any fees in connection with this Petition to Deposit Account No. 03-1740. A copy of this document is enclosed.

Respectfully submitted,

CHRISTENSEN O'CONNOR
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CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Director Allen MacDonald, at facsimile number 1.703.305.3719 on the date specified below.

Date:

February 11, 2003

Vinny J. Norton

DPC:clm

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